

In The United States District
Court for the _____ Circuit

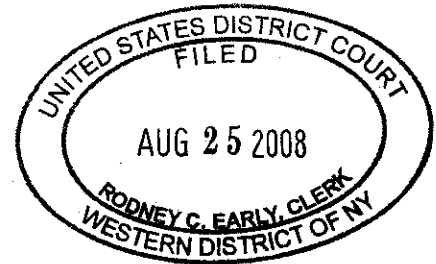
RICKIE LATHAM
Plaintiff

Complaint

Civil Action # _____

-v-

ERIE COUNTY Holding Center
ERIE COUNTY CORRECTIONAL FAC.
Donald LIVINGSTON
Defendant(s)



I. Complaint

Plaintiff, RICKIE LATHAM, Pro Se, for the complaint herein, states as follows:

II. Parties

1. Plaintiff RICKIE LATHAM was confined in the ERIE COUNTY CORRECTIONAL FACILITY from the _____ day of 6/3/08, _____ to the _____ day of STILL HERE, 2008.
2. Plaintiff is currently confined at: Erie County Correctional Facility, 11581 Walden Avenue, in the Town of Alden, in the County of Erie in the State of New York
3. Plaintiff RICKIE LATHAM was and is at all times mentioned herein, an adult citizen of the United States and a resident of the State of New York.

4. Additional persons having the same complaint include the following: _____

5. Defendant Donald Livingston was at all relevant times herein the Mayor/Supervisor of the City/Town/Village of ALDEN, New York.
6. Defendant Donald Livingston was at all relevant times herein the SUPERINTENDANT for the City/Town/Village of ALDEN, New York, with responsibility for operating and maintaining Detention, Penal, and Correctional Facilities within the City/Town/Village of ALDEN, New York, including the City/Town/Village Jail.
7. Defendant Donald Livingston was at all times relevant herein the Warden or Superintendent of the Municipal Jail for the City/Town/Village of ALDEN, New York, and was responsible for managing the day-to-day operations and the execution of the policies of said Municipal Jail.
8. Defendant Donald Livingston was at all relevant times herein an employee of ERIE COUNTY SHERIFF'S DEPARTMENT.
9. Defendant Donald Livingston was at all relevant times herein employed as a(n) SUPERINTENDANT at ERIE COUNTY CORRECTIONAL FAC.
10. Defendant Donald Livingston was at all relevant times herein employed as a(n) SUPERINTENDANT at ERIE COUNTY CORRECTIONAL FAC.

11. Defendant City/Town/Village ALDEN, New York is and was at all times relevant herein a Municipal Corporation in the State of New York.

III. Jurisdiction and Venue

1. This action arises under and is brought pursuant to 42 United States Code Section 1983 to remedy the deprivation, under color of State law, of rights guaranteed by the Eighth and Fourteenth Amendments to the Constitution of The United States.
2. This Court has jurisdiction over this action pursuant to 28 U.S.C. Section 1331.
3. Plaintiff's claims for injunctive relief are authorized by 28 U.S.C. Sections 2283 and 2284 and Rule 65 of the Federal Rules of Civil Procedure.
4. This cause or action arose in the _____ District of _____; therefore, venue is proper under 28 U.S.C. Section 1391 (b).

IV. Previous Actions by Plaintiff

(Strike out inapplicable sections)

1. ~~Plaintiff has filed no other lawsuits dealing with the same facts involved in this action or otherwise relating to his/her imprisonment.~~

OR

2. Plaintiff has filed other lawsuits dealing with the same facts involved in this action or otherwise relating to his/her imprisonment. The following took place:

3. Plaintiff used the Prisoner Grievance Procedure in this institution to try to solve the problem. On the ____ day of _____, _____, Plaintiff presented the facts relating to this complaint in the Prisoner Grievance Procedure.

OR

4. Plaintiff used the Prisoner Grievance Procedure in this institution to try to solve the problem. On the ____ day of _____, _____, Plaintiff did not get an opportunity to present the facts related to the complaint in the Prisoner Grievance Procedure because _____

OR

5. Plaintiff did not use the Prisoner Grievance Procedure because:

FACILITY PERSONEL REFUSES TO HAND OUT
GRIEVANCES, AND CONTINUOUSLY LIES ABOUT
HANDLING THE SITUATION ACCORDINGLY.

OR

6. There is no Prisoner Grievance Procedure in this institution, but Plaintiff registered the complaint to prison authorities on the ____ day of _____, _____. Prison officials responded to the Plaintiff's complaint by: _____

V. Statement of Claim

Plaintiffs reallege and incorporate by reference paragraphs _____ herein.

At all relevant times herein, Defendants were 'persons' for purposes of 42 U.S.C. Section 1983 and acted under color of law to deprive Plaintiff of his/her Constitutional rights, as set forth more fully below.

The facts in chronological order are as follows: INMATE SAY FACILITY VIOLATED HIS RIGHTS BY ISSUING TOILET PAPER ONLY 2 A WEEK, ONLY (1) Shower WAS OPERABLE FOR 60 INMATES IN THE G-UNIT DORM AND FACILITY MEDICAL STAFF CONTINUOUSLY REFUSES TO CALL people for dental SERVICES for over (4) months.

SEE ATTACHED

AFFIDAVIT

VI. Prayer for Relief

1. Plaintiff requests an Order declaring that the Defendants have acted in violation of the Constitution of the United States.
2. Plaintiff requests an injunction compelling Defendant(s) to provide INMATES WITH PROPER TOILETRIES, or stop HOUSING INMATES IN GOLF-COURT.
3. Plaintiff requests \$ 5,000 as compensatory damages.

Dated: 8/19/2008

Rickie Lathan
Signature, Plaintiff

State of New York

County of Erie

On this 19 day of August, 2008, before me personally appeared Rickie Lathan, principal, who is known to me personally, or who provided PRISONER ID as positive identification, and signed the foregoing instrument in my presence.

Derek L. Alexander
Signature, Notary Public

DEREK L. ALEXANDER
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES OCT. 2, 2010

RICKIE LATHAM-1882

11581 WALDEN AVE
ALDEN, NEW YORK 14004

DATE AUGUST 20, 2008

RICKIE LATHAM

-VS-
E.C.C.F.
DONALD LIVINGSTONU.S. DISTRICT COURT
UNITED STATES COURTHOUSE
BUFFALO N.Y. 14202AFFIDAVIT IN SUPPORT
OF 1983 MOTION

PLAINTIFF, RICKIE LATHAM SAYS THAT HE HAS BEEN IN THE CUSTODY OF THE ERIE COUNTY SHERIFF'S DEPARTMENT, under the supervision of DONALD LIVINGSTON, SUPERINTENDANT OF THE ERIE COUNTY CORRECTIONAL FACILITY, SINCE JUNE 3rd, 2008

PLAINTIFF, RICKIE LATHAM SAYS THAT WHILE BEING HOUSED IN THE GULF UNIT DORM AT THE ERIE COUNTY CORRECTIONAL FACILITY, HE HAS CONTINUOUSLY HAD HIS CONSTITUTIONAL RIGHTS VIOLATED ON NUMEROUS OCCASIONS,

THROUGHOUT MY STAY HERE ON G-UNIT THERE HAS BEEN AN ON-GOING PROBLEM WITH OFFICER'S ISSUING TOILET PAPER TO INMATES. OFFICER'S SUCH AS DEPUTY (CLARKE) CONTINUES TO ISSUE TOILET PAPER WHEN HE FEELS NECESSARY AS "OPPOSE" TO THE SET FORTH GUIDELINES TITLE 9 EXECUTIVE MINIMUM STANDARDS PROVISIONS (STATE COMMISSION OF CORRECTIONS) WHICH CLEARLY STATES THAT IN SEC. 7005.6 (PERSONAL HEALTH CARE ITEMS SOAP, TOOTHBRUSH, TOOTHPASTE, TOILET PAPER ARE TO BE: REPLISHED OR REPLACED AS NEEDED."

PLAINTIFF RICKIE LATHAM SAYS THAT HE IS AN INDIGENT PRISONER AT THE E.C.C.F. AND DOESN'T HAVE MONEY TO

TO PURCHASE TOILETRIES AS TOLD BY THE OFFICERS OF GULF UNIT.

PLAINTIFF RICKIE LATHAM ALSO SAYS THAT HIS RIGHTS WAS VIOLATED DUE TO THE INABILITY TO TAKE A SHOWER AT HIS OWN DISCRETION, DUE TO THERE BEING ONLY(1) ONE FUNCTIONING SHOWER FOR 60 INMATES OF GULF-UNIT.

CONSIDERING THE LENGTH OF TIME INMATES ARE OUT OF THE CELLS AND AT LIBERTY TO SUCH THINGS AS TAKE A SHOWER " BECAUSE OF "LIMITED" TIME AND THERE BEING ONLY(ONE) SHOWER MANY INMATES END UP AT A LOSS FOR DAYS AT A TIME, THERE IS TWO(2) SHOWER'S ON THE LOWER FLOOR THAT DEPUTY'S REFUSE TO LET INMATES USE BECAUSE THE SHOWERS ARE TO THE RIGHT AND LEFT OF THEIR DESK AND THEY DON'T WANT TO HEAR THE "CONTINUOUS RUNNING OF WATER"

SUCH ACTIONS OF THIS FACILITY AND IT'S EMPLOYEES ARE CERTAINLY UNACCEPTABLE AND AGAINST THE SET FORTH GUIDELINES IN THE MINIMUM STANDARDS.

WITH THIS BEING SAID, I RICKIE LATHAM AM SEEKING MONETARY DAMAGES FOR VIOLATION OF MY RIGHTS.

Rickie Latham #1882
SIGNATURE

MY PERMANT ADDRESS IS:

RICKIE LATHAM

46 BARBAR ST.

CHEEKTOWAGA N.Y.

14225

11581 WALDEN AVE.
ALDEN, NEW YORK
14004